

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 Christy K. Sweet,

5 Plaintiff

6 v.

7 Wesley F. Yamashita,

8 Defendant

Case No. 2:23-cv-00886-CDS-DJA

Order Adopting Magistrate Judge's Report  
and Recommendation, Mooting Plaintiff's  
Motion for Hearing and Closing the Case

[ECF Nos. 12, 13]

9  
10 Magistrate Judge Daniel Albregts issued a report and recommendation ("R&R") that I  
11 dismiss this case for plaintiff Christy Sweet's failure to state a claim upon which relief can be  
12 granted. R&R, ECF No. 13. As this was Sweet's third time amending her complaint to no avail,  
13 the R&R also recommends that I dismiss the case without leave to amend. Sweet had until  
14 September 9, 2024, to file any objections to the R&R. *Id.* at 4 (citing LR IB 3-2(a) (stating that  
15 parties wishing to object to an R&R must file objections within fourteen days)); *see also* 28  
16 U.S.C. § 636(b)(1)(C) (same). As of the date of this order, Sweet has failed to do so. "[N]o review  
17 is required of a magistrate judge's report and recommendation unless objections are filed."  
18 *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140,  
19 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). As no objections have  
20 been filed, I adopt the R&R in full.

21 Prior to Judge Albregts' issuance of the R&R, Sweet had filed a motion for a hearing.  
22 ECF No. 12. However, because I adopt the R&R in full and dismiss Sweet's amended complaint,  
23 the motion for a hearing is denied as moot.<sup>1</sup> Further, because Sweet has already attempted to  
24 amend her complaint twice<sup>2</sup> and has been unsuccessful, I dismiss this complaint without leave

25  
26 <sup>1</sup> Because plaintiff is pro se, her filings are to be construed liberally, so the court reviewed Sweet's motion for  
a hearing and determined that no hearing was necessary.

<sup>2</sup> See ECF No. 1 (plaintiff's original complaint), ECF No. 7 (plaintiff's motion to amend).

1 to amend as it would be futile. *See U.S. ex rel. Lee v. SmithKline Beecham, Inc.*, 245 F.3d 1048, 1052 (9th  
2 Cir. 2001) (explaining that when assessing whether leave to amend is proper one of the factors  
3 courts consider is “repeated failure to cure deficiencies by previous amendments”) (internal  
4 quotation omitted).

5  
6 **Conclusion**

7 It is therefore ordered that Judge Albregts’ report and recommendation [ECF No. 13] is  
8 **adopted** in its entirety. This action is now dismissed without prejudice and without leave to  
9 amend. Further, Sweet’s motion for a hearing [ECF No. 12] is **denied as moot**.

10 The Clerk of the Court is kindly instructed to enter judgment accordingly and close the  
11 case.

12 Dated: October 4, 2024

13   
14 Cristina D. Silva  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26